

INTRA-DEPARTMENT MEMORANDUM  
NH DEPARTMENT OF SAFETY - BUREAU OF HEARINGS

TO: CURTIS N. DUCLOS, JR. February 9, 1999  
AND  
ALL BUREAU EMPLOYEES

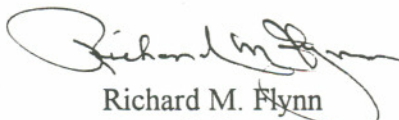
FROM: JOHN A. STEPHEN  
ASSISTANT COMMISSIONER

SUBJECT: TECHNICAL ADVICE MEMORANDUM (TAM)  
BOH-99-2 VIDEO BOOKING TAPES

This TAM is pursuant to RSA 265:91-b and Saf-C 2800 and shall be binding upon all members of the bureau of hearings. Pursuant to RSA 541-A:16 II (a), it shall be made available to the public and should be filed with your Saf-C 2800 series rules or in a separate binder.

A hearings examiner has NO authority to order or otherwise require that law enforcement turn over any video tapes to the defendant or of the defendant's legal representative. These tapes are readily available to the person upon request in accordance with individual departmental policies. If the person or law enforcement believes a review of the tape by a hearings examiner is necessary and germane to issues within RSA 265:91-b II, then he/she has the responsibility of providing a copy of the tape to the presiding examiner who will review it prior to rendering a written decision. Any time a video tape becomes a part of the record it has to be retained by the presiding examiner and must be preserved for the duration of the appeal period.

Approved: February 9, 1999 by:

  
Richard M. Flynn  
Commissioner